IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12036 of 2004

Between:

Sri Venkatarama Theatre, Palakol, rep., by its Proprietor Dr.K.V.R.Krishnaji

..... PETITIONER

AND

1.The Government of Andhra Pradesh, rep., by its Secretary,

Home Department (Cinemas), Secretariat, Hyderabad.
2.The Joint Collector-cum-Licencing Authority, West Godavari at

Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any orders on the representation dt.3-11-2003, filed by the petitioner, as illegal and arbitrary and consequentially direct the 1st respondent to dispose of the same in accordance with law.

Counsel for the Petitioner: MR.POLISETTI RADHA KRISHNA

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner is a Cinema Theatre at Palakol in West Godavari district. The petitioner states that in pursuance of the policy of the government introducing slab system for the purpose of collecting entertainment tax, the petitioner made an application for reduction of the seating capacity. On 29-06-1985, the second respondent – The Joint Collector-cum-Licensing Authority passed order reducing the seating capacity, but the second respondent failed to consider the request of the petitioner for reduction of the seating capacity with effect from the date of his application i.e., 04-05-1984. Aggrieved by the same, the petitioner approached the first respondent – Government of A.P by making a representation dated 03-11-2003. The grievance of the petitioner is that the said representation of the petitioner dated 3-11-2003 has not been disposed of so far. Hence, this Writ Petition seeking a declaration that the inaction on the part of the first respondent in not passing any order on the representation dated 3-11-2003 is arbitrary and illegal.

I have heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the Writ Petition with a direction to the first respondent to consider the representation of the petitioner dated 3-11-2003 and to pass appropriate orders in accordance with Law within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

21st JULY 2004

BSS/GBS

Note: CC by Monday

(BO)

BSS/GBS

Assistant Registrar

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of Andhra Pradesh,

Home Department (Cinemas), Secretariat, Hyderabad.
2.The Joint Collector-cum-Licencing Authority, West Godavari at

Eluru.

3.2CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT)

4.2CD copies.